

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 14781 of 2020

M.Murugan

... Petitioner/1stAccused

Vs.

The State represented by, ... Respondent/Complainant

The Inspector of Police,
Uthiramerur Police Station,
Kanchipuram District.

(Crime No. 1432 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1432 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mrs.S.Thankira

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.08.2020 for the offences punishable under Sections 430 and 379 of IPC read with Section 21 (1) of Mines and Minerals (Development & Regulation) Act, in Crime No. 1432 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner had illegally transported quarter unit of sand by using bullock cart without any valid license. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association, and that the petitioner has been

suffering incarceration from 25.08.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the quantity of sand involved in this case is half unit. He would further submit that there are four previous cases pending against the petitioner. Hence, she opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the previous cases are not in respect of illegal sand mining and the cases are related to Section 294(b) of IPC, one case is registered under Criminal Amendment Act and in yet another case the petitioner has been acquitted by the Court. Hence, he prays to grant bail to the petitioner.

6 In order to curb the illegal sand mining activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make **a payment / donation for a sum of Rs5,000/- (Rupees Five Thousand only)** to the **"Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172"** and on such payment and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate, Uthiramerur, and on further conditions that;

(b) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(c) the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.

(d) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7 With the above directions, this Criminal Original Petition is ordered.

-sd/-

30/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C. NO.117201000000070, IFSC
CODE. NO.IOBA0001172.

6 THE OFFICER INCHARGE,
DISTRICT SUPERINTENDENT PRISON, CHENGALPATTU.

CC to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.14781/2020

Date :30/09/2020